

1 ROB L. PHILLIPS  
Nevada Bar No. 8225  
2 rob.phillips@fisherbroyles.com  
FISHERBROYLES, LLP  
3 5670 Wilshire Blvd., Suite 1800  
Los Angeles, California 90036  
4 Telephone: (702) 518-1239  
*Counsel for Plaintiffs/Counter-Defendants*

5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**

7 **WEBSITE MANAGEMENT SYSTEMS,**  
8 **LLC, a Nevada Limited Liability**  
9 **Company; and KJR MANAGEMENT**  
**COMPANY, LLC**

10 **Plaintiffs,**

11 **v.**

12 **BENJAMIN DAILED A, an individual**  
13 **residing in Nevada, MELVIN OMAN, an**  
14 **individual residing in Nevada, DEVAN**  
15 **HIRST, an individual residing in Nevada,**  
**YES WE WILL, INC., a Nevada**  
**Corporation, and DOES 1-X,**

16 **Defendants.**

17 **YES WE WILL, INC., a Nevada**  
18 **Corporation,**

19 **CounterClaimant,**

20 **v.**

21 **WEBSITE MANAGEMENT SYSTEMS,**  
22 **LLC, a Nevada Limited Liability**  
23 **Company; and KJR MANAGEMENT**  
**COMPANY, LLC, and ROES 1-X,**

24 **Counter-Defendants.**

Case No.: 2:20-CV-00213-JCM-BNW

**STIPULATION TO STAY  
DISCOVERY AND CASE  
DEADLINES PENDING A RULING  
ON PLAINTIFF WEBSITE  
MANAGEMENT SYSTEMS, LLC'S  
APPEAL TO THE COURT OF  
APPEALS FOR THE 9<sup>TH</sup> CIRCUIT**

**(FIRST REQUEST)**

25 **Plaintiffs Website Management Systems, LLC., and KJR Management Company, LLC.,**  
26 **by and through their counsel of record Rob L. Phillips, Esq., of the law firm Fisher Broyles, LLP.,**  
27 **and Defendants Benjamin Daileda et. al., by and through their counsel of record H. Stan Johnson,**  
28

STIPULATION AND ORDER TO STAY DISCOVERY AND CASE DEADLINES (FIRST REQUEST)

Esq., of the law firm of Cohen Johnson Parker Edwards, stipulate as follows.

**1. The Current Discovery Plan and Scheduling Order (Document 59) Sets Forth the Following Dates (no trial date has been set):**

a. Close of Discovery:

April 21, 2021

b. Deadline to file the Dispositive Motions:

May 21, 2021

c. Deadline to file Joint Pretrial Order:

June 21, 2021

**2. Reason for Stipulation to Stay Discovery and Case Deadlines**

On May 26, 2020, Plaintiff Website Management Systems, LLC filed an Appeal of this Court's Order denying the issuance of a Preliminary Injunction related to allegations of trade secret misappropriation and breach of non-compete agreements. The matter has been fully briefed and oral argument was held on November 20, 2020 before the Court of Appeals for the 9<sup>th</sup> Circuit ("9<sup>th</sup> Circuit"). The ruling by the 9<sup>th</sup> Circuit has been stayed pending a decision by the Nevada Supreme Court on an issue relevant to the non-compete agreements in this case. The Nevada Supreme Court handed down its decision on December 31, 2020 and the parties have provided the same to the 9<sup>th</sup> Circuit.

Accordingly, the decision by the Nevada Supreme Court and the 9<sup>th</sup> Circuit will have a direct bearing on the issues in this case. In other words, some of the issues in this case may be resolved by the 9<sup>th</sup> Circuit's ruling. The parties thus recognize that discovery issues, including the taking of depositions, will be directly impacted by the 9<sup>th</sup> Circuit's ruling and therefore to prevent unnecessary legal services and client fees, and any unnecessary use of the Court's resources, the parties agree and propose that the dates and deadlines in the second amended Scheduling Order (Document 59) be stayed until such time as the 9<sup>th</sup> Circuit has ruled upon Plaintiffs' Appeal. Thereafter, within fifteen (15) days of the 9<sup>th</sup> Circuit's ruling on the Appeal, the parties will submit

1 a third amended Scheduling Order for court review.

2  
3  
4 DATED this 23rd day of March, 2021.

DATED this 23<sup>rd</sup> day of March, 2021.

5 **FISHER BROYLES, LLP**

**COHEN JOHNSON PARKER  
EDWARDS**

6  
7 /Rob L. Phillips/  
8 **ROB L. PHILLIPS, ESQ.**  
9 Nevada Bar No. 8225  
10 5670 Wilshire Blvd. Ste. 1800  
11 Los Angeles, CA 90036  
12 *Attorneys for Plaintiffs and Counter-*  
13 *Defendants*

/H. Stan Johnson/  
H. STAN JOHNSON, ESQ.  
Nevada Bar No. 00265  
RYAN D. JOHNSON, ESQ.  
Nevada Bar No. 14724  
375 E. Warm Springs Road, Suite 104  
Las Vegas, Nevada 89119  
*Attorneys for Defendants and*  
*Counterclaimants*

14 **IT IS ORDERED that ECF No. 67 is GRANTED. A proposed discovery plan and**  
15 **scheduling order is due 15 days after the Ninth Circuit decides the appeal in this**  
16 **case.**

17 **IT IS FURTHER ORDERED that in light of the discovery stay, Plaintiff's motion to**  
18 **compel at ECF No. 62 is DENIED without prejudice under the Court's broad**  
19 **discretion to control its docket. After the Ninth Circuit decision is rendered and**  
20 **the discovery stay is lifted, if any or all of the issues presented in the motion to**  
21 **compel are still in dispute, Plaintiff may renew its motion.**

22 **IT IS FURTHER ORDERED that the hearing on Plaintiff's motion to compel on**  
23 **3/31/2021 is VACATED.**

24 **IT IS SO ORDERED**

25 **DATED: 2:48 pm, March 24, 2021**

26  
27 

28 **BRENDA WEKSLER**  
**UNITED STATES MAGISTRATE JUDGE**